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## NOTICE OF ALLOWANCE AND FEE(S) DUE

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7590

03/26/2008

PILLSBURY WINTHROP SHAW PITTMAN, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2619

DATE MAILED: 03/26/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,863	07/13/2001	Kai Sjoberg	060258-0281544	9638
TITLE OF INVENTION: CONTROLLED DATA NETWORK ERROR RECOVERY				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/26/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

909 7590 03/26/2008

**PILLSBURY WINTHROP SHAW PITTMAN, LLP**  
**P.O. BOX 10500**  
**MCLEAN, VA 22102**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE-FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/903,863	07/13/2001	Kai Sjoberg	060258-0281544	9638
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**TITLE OF INVENTION: CONTROLLED DATA NETWORK ERROR RECOVERY**

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/26/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
LEE, ANDREW CHUNG CHEUNG	2619	370-250000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/147; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, \_\_\_\_\_ 1  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. \_\_\_\_\_ 2  
 \_\_\_\_\_ 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims **SMALL ENTITY** status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming **SMALL ENTITY** status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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LEE, ANDREW CHUNG CHEUNG

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DATE MAILED: 03/26/2008

PILLSBURY WINTHROP SHAW PTTMAN, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 699 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 699 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

# Notice of Allowability

## Application No.

09/903,863

## Examiner

ANDREW C. LEE

## Applicant(s)

SJOBLOM, KAI

## Art Unit

2619

### - The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERIT IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/26/2007.
2. ☒ The allowed claim(s) is/are 10,3,6,7,8,11,12,15,16,17,18,19,20,23,24,26,27,28, 34 renumbered 1 - 19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

### THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Larry J. Hume on 3/12/2008.

2. The application has been amended as follows:

- Claims 1 – 2 have been cancelled:

Claims 1 – 2: (Canceled).

- Claim 3 has been amended as following:

3. (Currently amended) The method of ~~claim 4~~ claim 10, wherein the IPD is indicated in the unit when resending said unit to the second receiving entity.

- Claims 4 – 5 have been cancelled:

Claims 4 – 5: (Canceled).

- Claim 6 has been amended as following:

6. (Currently amended) The method of ~~claim 4~~ claim 10, further comprising: receiving said unit in the second receiving entity; storing said unit in response to said indication; and sending said unit in response to said release message from the ~~second~~ first receiving entity; or deleting said unit in response to said cancel message.

- Claim 7 has been amended as following:

7. (Currently amended) The method of ~~claim 4~~ claim 10, further comprising:

receiving said unit in ~~the second receiving entity~~ an end system; and  
checking only in response to said IPD whether the unit is a duplicate.

- Claim 8 has been amended as following:

8. (Currently amended) The method of ~~claim 4~~ claim 10, further comprising indicating the possible duplication by adding said IPD to the unit before resending the unit.

- Claim 9 has been cancelled:

9. (canceled).

- Claim 10 has been amended as following:

10. (Currently amended) A method comprising:  
sending a unit to a first receiving entity in a telecommunications system;  
in the event that no response is received from the first receiving entity, resending said unit to a second receiving entity;

indicating that said unit was resent because no response was received when resending said unit to the second receiving entity by marking the resent unit as a possible duplication with an indication of a possible duplicate (IPD) marker;

noticing that the first receiving entity is operating;

checking whether the first receiving entity received said unit;

sending a release message to the second receiving entity when said unit was not received in the first receiving entity; and

sending a cancel message to the second receiving entity when said unit was received in the first receiving entity.

- Claim 11 has been amended as following:

11. (Currently amended) A transmission system comprising:  
at least one a first receiving entity;  
a second receiving entity; and  
a sending entity that ~~resends~~ is configured to:  
resend, to the second receiving entity, a unit including an indication of a possible  
duplicate (IPD) relating to said unit in the event that no response is received from the at  
least one first receiving entity, the IPD indicating that said unit was resent because no  
response was received from the first receiving entity;  
notice that the first receiving entity is operating;  
check whether the first receiving entity received said unit;  
send a release message to the second receiving entity when said unit was not  
received in the first receiving entity; and  
send a cancel message to the second receiving entity when said unit was  
received in the first receiving entity.

- Claims 13 – 14 have been cancelled:

Claims 13 – 14: (Canceled).

- Claim 16 has been amended as following:

16. (Currently Amended): The system of claim 11, further comprising an end system which is configured to check from a received unit whether it includes said IPD and, ~~IPD~~, to check whether said unit is a duplicate in response to said IPD.

- Claim 17 has been amended as following:

17. (Currently amended) A network node comprising:  
a memory; and  
a processor operatively connected to the memory and ~~configured to~~, in the absence of receiving a response from a first entity to which a unit was sent, said processor being configured to:

resend said unit with an indication of a possible duplicate (IPD) to another entity, the IPD indicating that said unit was resent because no response was received from the first entity;

notice that the first entity is operating;

check whether the first entity received said unit;

send a release message to the other entity when said unit was not received in the first entity; and

send a cancel message to the other entity when said unit was received in the first entity.

- Claims 21 – 22 have been cancelled:

Claims 21 – 22: (Canceled).

- Claim 23 has been amended as following:

23. (Currently amended) A method comprising:

sending a unit to a first receiving entity;

in the event that no response is received from the first receiving entity, resending the unit to another entity;

noticing that the first receiving entity is operating;

checking whether the first receiving entity received said unit;

if said unit was not received in the first receiving entity, sending a release message to the other entity; and

otherwise, sending a cancel message to the other entity.

wherein the resending of the unit differs from the sending of the unit in that a sending entity specifically ~~indicates a possible duplication of~~ provides an indication of a possible duplicate (IPD) relating to said unit when resending the unit, the IPD indicating that said unit was resent because no response was received.



Claim 24 has been amended as following:

24. (Previously Presented) The method of claim 23 wherein the possible duplicate indicated IPD is included in the unit when resending said unit to a second receiving entity.

- Claim 25 has been cancelled:

Claim 25: (Canceled).

- Claim 26 has been amended as following:

26. (Currently amended) A network node comprising:  
a sending means for sending a unit to a first receiving entity, and  
a resending means, ~~responsive to the network node not receiving from the first entity a response to the sent unit,~~ for resending said unit and indicating with an indication of a possible duplication duplicate (IPD) to another receiving entity, the ~~possible duplication IPD~~ indicating that said unit was resent because no response was received,

noticing that the first receiving entity is operating,  
checking whether the first receiving entity received said unit, if said unit was not received in the first receiving entity,

sending a release message to the other receiving entity and otherwise,

sending a cancel message to the other receiving entity,

wherein the resending means differ from the sending means in that the resending means are configured to specifically indicate a possible duplication of said unit by including the IPD when the unit is resent.

- Claims 29 – 33 have been cancelled:

Claims 29 – 33: (Canceled).

- Claim 34 has been amended as following:

34. (Currently amended) A computer readable medium ~~having~~ encoded with computer-executable code thereon which, when executed by a computer, causes the computer to:

send a unit to a first receiving entity in a telecommunications system;

in the event that no response is received from the first receiving entity, resend said unit with an indication a possible duplicate (IPD) to a second receiving entity, the IPD indicating that said unit was resent because no response was received from the first receiving entity;

notice that the first receiving entity is operating;

check whether the first receiving entity received said unit;

send a release message to the second receiving entity when said unit was not received in the first receiving entity; and

send a cancel message to the second receiving entity when said unit was received in the first receiving entity.

### REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The prior art made of record, in single or in combination, fails to disclose explicitly the limitations of:

"in the event that no response is received from the first receiving entity, resending said unit to a second receiving entity; indicating that said unit was resent because no response was received when resending said unit to the second receiving entity by marking the resent unit as a possible duplication with an indication of a possible duplicate (IPD); noticing that the first receiving entity is operating; checking whether the first receiving entity received said unit; sending a release message to the second receiving entity when said unit was not received in the first receiving entity; and

sending a cancel message to the second receiving entity when said unit was received in the first receiving entity" as disclosed in claim 10;

"resend, to the second receiving entity, a unit including an indication of a possible duplicate (IPD) relating to said unit in the event that no response is received from the first receiving entity, the IPD indicating that said unit was resent because no response was received from the first receiving entity; notice that the first receiving entity is operating; check whether the first receiving entity received said unit; send a release message to the second receiving entity when said unit was not received in the first receiving entity; and send a cancel message to the second receiving entity when said unit was received in the first receiving entity" as disclosed in claim 11;

"resend said unit with an indication of a possible duplicate (IPD) to another entity, the IPD indicating that said unit was resent because no response was received from the first entity; notice that the first entity is operating; check whether the first entity received said unit; send a release message to the other entity when said unit was not received in the first entity; and send a cancel message to the other entity when said unit was received in the first entity" as disclosed in claim 17;

"in the event that no response is received from the first receiving entity, resending the unit to another entity; noticing that the first receiving entity is operating; checking whether the first receiving entity received said unit; if said unit was not received in the first receiving entity, sending a release message to the other entity; and otherwise, sending a cancel message to the other entity, wherein the resending of the unit differs from the sending of the unit in that a sending entity specifically provides an indication of a possible duplicate (IPD) relating to said unit when resending the unit, the IPD indicating that said unit was resent because no response was received" as disclosed in claim 23;

"resending means for resending said unit with an indication of a possible duplicate (IPD) to another receiving entity, the IPD indicating that said unit was resent because no response was received, noticing that the first receiving entity is operating, checking whether the first receiving entity received said unit, if said unit was not received in the first receiving entity, sending a release message to the other receiving

entity and otherwise, sending a cancel message to the other receiving entity, wherein the resending means differ from the sending means in that the resending means are configured to specifically indicate a possible duplication of said unit by including the IPD when the unit is resent" as disclosed in claim 26;

"send a unit to a first receiving entity in a telecommunications system; in the event that no response is received from the first receiving entity, resend said unit with an indication a possible duplicate (IPD) to a second receiving entity, the IPD indicating that said unit was resent because no response was received from the first receiving entity; notice that the first receiving entity is operating; check whether the first receiving entity received said unit; send a release message to the second receiving entity when said unit was not received in the first receiving entity; and send a cancel message to the second receiving entity when said unit was received in the first receiving entity" as disclosed in claim 34.

4. Additionally, all of the further limitations in claims 3, 6, 7, 8, 12, 15, 16, 18, 19, 20, 24, 27, 28 are allowable since they are dependent upon independent claims.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW C. LEE whose telephone number is (571)272-

Art Unit: 2619

3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/  
Examiner, Art Unit 2619  
3/13/2008

/Edan Orgad/  
Supervisory Patent Examiner, Art Unit 2619